

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ERIC SOUVANNAKANE,  
Plaintiff

v.

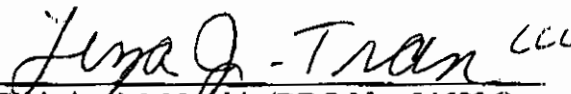
SEARS, ROEBUCK & CO., WILLIAM  
SULLIVAN, RICHARD SPELLMAN,  
BARBARA TAGLIARINO, KEVIN SULLIVAN,  
ALICIA COVIELLO, GARY MANSFIELD  
Defendants

Civil Action No. 0412164MLW

**ASSENTED TO EMERGENCY MOTION OF THE DEFENDANTS, SEARS,  
ROEBUCK AND CO., WILLIAM SULLIVAN, RICHARD SPELLMAN,  
BARBARA TAGLIARINO, ALICIA COVIELLO AND KEVIN SULLIVAN TO  
RESCHEDULE THE SCHEDULING CONFERENCE AND ORAL ARGUMENT**

The defendants, Sears, Roebuck and Co., William Sullivan, Richard Spellman, Barbara Tagliarino, Alicia Coviello and Kevin Sullivan (the "Sears Defendants"), hereby move to reschedule the scheduling conference and the hearing on their motion to dismiss, currently scheduled for September 21, 2005. The undersigned counsel for the Sears Defendants, Liza Tran, has been primarily responsible for the issues raised in the Sears Defendants' motion and was preparing to argue the motion before this Court. Unfortunately, Ms. Tran has become ill and anticipates she will not be well enough to participate in the oral argument currently scheduled for September 21, 2005 at 3:00 p.m. As a result, the Sears Defendants respectfully request that this Court reschedule the oral argument and accompanying scheduling conference to September 29, 2005, or a date convenient for the Court. Plaintiff's counsel and counsel for defendant Mansfield have both assented to this motion.

Defendants,  
Sears, Roebuck and Co., William Sullivan,  
Richard Spellman, Barbara Tagliarino,  
Alicia Coviello, and Kevin Sullivan  
By their Attorneys,

 Liza J. Tran CCL

Christine M. Netski, (BBO No. 546936)  
Liza J. Tran (BBO No. 646818)  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9th Floor  
Boston, MA 02114  
(617) 227-3030

DATED: September 20, 2005

#367727